

**EXHIBIT B**

# **PARK RULES**

## **DISCOVERY GREEN**

**Discovery Green Conservancy**

Effective July 17, 2014

0.1 The Discovery Green Conservancy has been charged with developing rules and regulations governing use of Discovery Green (Park Rules) to maintain a safe environment for the general public, to protect the Park from damage, to provide opportunities for conventions and tourism, and to ensure equitable access to the Park for Houstonians and visitors. The Park Rules are described in detail in the following four sections. Summaries of the Park Rules are posted at entries and within the Park. Exhibits may be requested from Discovery Green using the Contact Us link on the website.

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Abbreviated versions of the Park Rules are provided on the following pages. These rules can be found on signs at entries to Discovery Green. These abbreviated rules only summarize the Park Rules, and for a full understanding of the Park Rules, please review Sections 1 through 4. Capitalized terms used herein shall have the meanings set forth in Section 1.2.

**WELCOME: The Information Board (at [?] symbol) has a Park Map showing:**

Schedule and location of activities and events  
Areas and times when field sports are allowed  
Bike riding & rollerblading route (speed limit 10 MPH)  
Speakers corner

**PARK RULES**

Complete Park Rules and permit forms are available at the Alkek Building or [discoverygreen.com](http://discoverygreen.com).

In Spanish: Park Rules in Spanish are at the Information Board (at [?] symbol)

In Vietnamese: Park Rules in Vietnamese are at the Information Board (at [?] symbol)

**Discovery Green is closed 11:00 PM – 6:00 AM unless posted**

**Visitors must comply with directions from Park Personnel**

**A permit is required to:**

Accommodate functions involving groups of 20 or more  
Use amplified/electronic sound devices  
Sell or promote food, drinks, merchandise or services  
Exhibit or perform to derive revenue  
Conduct commercial photography or video; consent of a child's parent required  
Use any park area for a special use  
Operate a motor vehicle or ride a horse

**Pet owners:**

Pets must be leashed except in dog runs  
You must pick up and dispose pet waste

**Park Rules prohibit:**

Activities that disrupt the use of the Park by others  
Reckless behavior and excessive noise  
Using areas posted as reserved or closed  
Littering  
Foisting a handbill without consent of a Park Patron  
Outdoor cooking or fires  
Glass bottles or containers  
Alcohol outside restaurants or permitted events  
Entering flower beds or picking flowers  
Possession of weapons or firearms  
Smoking  
Injuring wildlife or feeding birds  
Posting bills or verbal commercial solicitations  
Using a bench so as to interfere with its use by others  
Camping or using a bench to store materials  
Skateboarding  
Bathing in water features  
Leaving minors (children) unsupervised  
Indecent exposure and public lewdness  
Obscene, abusive, insulting or threatening language

### **Posted at Dog Runs**

Dog owners must remain with dog  
Time limit of 45 minutes for each dog  
Owners must pick up after their dogs  
Dogs must exhibit current license and vaccination tags  
Children must be with an adult

No reckless play or fighting  
No spiked collars  
No dogs in heat  
Dogs taller than 15 inches must use the large dog run  
Dogs shorter than 15 inches must use the small dog run

← Large Dogs  
Small Dogs →

### **Posted at Gateway Fountain**

No running  
No dogs  
No balls or other toys  
No towels on trees  
No food, drinks or smoking  
Adults must be accompanied by a child age fourteen or under  
Access for adults may be restricted for safety  
Do not sit on or near fountain jets  
Exit fountain if directed by Park Personnel  
No fighting or reckless behavior

### **Posted at Lake**

Caution!  
Do not enter lake  
  
Do not throw objects in water  
No dogs in water or on lake edge  
No boating except model boats  
No fishing except with permit from Discovery Green

**Posted at Outdoor Reading Room and HPL Express**

The following activities are prohibited:

More than two bags of any type; no spreading of contents of bags  
Any item that could be used as a weapon including sporting equipment  
Distribution of printed materials in the HPL Express not in accordance with HPL Express regulations  
Distribution of printed materials in the Powell Outdoor Reading Room not in accordance with Park rules  
Loud speech, noises or music  
Smoking, alcohol, food and beverages  
Entering without a shirt or shoes and offensive body odors  
Sleeping, putting feet/legs on furniture  
Abuse of furniture or HPL Express equipment  
Taking library materials into restrooms  
Use of HPL Express materials without properly checking them out  
Adults not with their child from 3 – 5 PM in the Powell Outdoor Reading Room  
Using the seating and furniture in the Powell Foundation Reading Room for any purpose other than reading, use of computers, table games and educational workshops unless otherwise posted.

**Posted at The Grove and the Lake House**

The following activities are prohibited:

Any use not related to consumption of food and drink purchased at the facility  
Consumption of food and drink purchased elsewhere  
Any item that could be used as a weapon including sporting equipment  
More than two bags of any type; no spreading of contents of bags  
No smoking in interior or exterior areas  
Wet clothing, bare feet and bare torsos  
Music except as provided by the facility  
Loud speech of any kind  
Abuse of furniture and climbing or playing on rails  
Verbal solicitations for money or donations or distribution of printed materials  
Offensive bodily hygiene  
Any animals, except animals assisting persons with disabilities  
Restaurant restrooms are for use by restaurant patrons only  
Exiting the Lake House without discarding refuse or uneaten food  
Exiting with alcohol except from the Lake House to an amphitheater performance

**Posted at Monument au Fantome Artwork on Avenida de las Americas**

Please respect the art – no climbing

**Posted at Mist Tree and Colored Box Artworks**

Danger!  
No climbing

**Posted at Restrooms**

May only be used for their intended purpose and without delay  
No bathing allowed  
See Park Office at Alkek Building if doors are locked

**Posted at Playground**

Children age 12 and under only  
No dogs  
Adults must be with a child  
No food, drinks or smoking  
No bikes, rollerblades or skates  
No coolers or chairs  
Playground access may be restricted for safety  
Playground may not be reserved  
No fighting or reckless behavior

1. PARK RULES – GENERAL

Refers to the overall structure and application of rules, regulations, provisions, and guidelines (Park Rules) promulgated by the Park Director (Director) of the Discovery Green Conservancy (Conservancy) for the government and administration of Discovery Green (Park).

1.1 ADMINISTRATION OF RULES

Refers to the authority, structure and interpretation of Park Rules.

1.1.1 POLICY OF THE CONSERVANCY

It is the policy of the Conservancy to prescribe rules, regulations and guidelines (Park Rules) for the orderly use and management of the Park, Park Areas, Park Facilities and Programs.

1.1.2 AUTHORITY OF THE DIRECTOR

The Director shall from time to time promulgate written Park Rules for the administration of the Conservancy, and for the orderly government of the Park.

1.1.3 STRUCTURE AND CAPTIONS

The structure and captions of the several Divisions, Sections, and Sub-sections of these Park Rules are not part of the context hereof, and are intended only as aides in locating, reading and understanding the provisions herein. For the purposes of these Park Rules, only those provisions or parts thereof numbered to include a decimal point shall be considered to be a rule or regulation.

1.1.4 APPLICABILITY

Each rule, regulation or provision contained herein may be applicable, in whole or in part, to the Park, Park Area, Park Facility, Program, Event or Activity.

1.1.5 EFFECT ON EXISTING LAW

These Park Rules are in addition to, and not in lieu of, any Federal or State laws, rules or regulations, or any City of Houston Ordinances.

1.1.6 SUBORDINATE RELATIONSHIP

These Park Rules, and the provisions thereof, shall be subordinate and inferior to the provisions of all laws, rules, regulations and ordinances promulgated by higher authority.

1.1.7 SEVERABILITY

The provisions of these Park Rules are severable. If any word, phrase, clause, sentence, section, provision or any other part of these Park Rules should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions.

1.1.8 NONWAIVER

It is the intent of the Conservancy to operate under these Park Rules as consistently as possible; however, neither a failure of the Conservancy or its officers to exercise any of these Park Rules, nor a failure to enforce such provisions, shall effect or constitute a waiver of the Conservancy's or Director's right to exercise or enforce such Park Rules.

**1.1.9 PUBLIC INSPECTION OF RULES REQUIRED**

A copy of these Park Rules shall be filed and maintained for public inspection in the offices of the Director. A copy of all or any part of the provisions contained in these Park Rules shall be made available to any person at no cost upon written request filed at Conservancy headquarters.

**1.2 DEFINITIONS**

Refers to the definition of general and specific terms found throughout these Park Rules.

**1.2.1 DEFINITIONS GENERALLY**

To aid in writing and interpreting these Park Rules, a rule incorporating general definitions of terms found throughout these provisions shall be promulgated therefore. Additional definitions specific to provisions found in the divisions, sections or sub-sections of these Park Rules may appear elsewhere herein.

**1.2.2 DEFINITION OF GENERAL TERMS**

The following definitions shall apply to general terms throughout these Park Rules (whether or not capitalized as used throughout these Park Rules):

- (a) **ACTIVITY** shall mean any part of a Program or Event or a function thereof;
- (b) **ADULT** shall mean any person eighteen (18) years of age or older.
- (c) **AREA** shall mean any area of the Park, facility or part thereof;
- (d) **BUSINESS DAY** shall mean the standard operating hours for the Conservancy which are Monday through Friday from 8:30 A.M. to 5:30 P.M. non-inclusive of approved City Holidays;
- (f) **CAMPSITE** shall mean (1) any location used for more than two hours to place or store materials and/or clothing of sufficient quantity to allow a person or persons to remain in the Park for more than eight hours; and (2) a location that includes tables and/or tents brought into the park for personal use;
- (g) **COMMERCIAL USE** shall mean the use of any Park Facility or Area for the purpose of selling, distributing, promoting or advertising products or services;
- (h) **CONSERVANCY** shall mean the Discovery Green Conservancy;
- (i) **CONSERVANCY HEADQUARTERS** shall mean the administrative office of the Conservancy located at 1500 McKinney Street, Houston, Texas, 77010;
- (j) **DIRECTOR** shall mean the Park Director of the Discovery Green Conservancy;
- (k) **EVENT** shall mean any celebration, activity or gathering open to the public or certain members of the public and which involves the use of a Park Area or Park Facility;
- (l) **LICENSED USE** shall mean a Special Use of any Park Area or Park Facility by any person, group, organization or other entity if such usage includes (1) the sale or distribution of food, drink or merchandise; (2) amplified music or entertainment; (3) admission fees or other charges to attendees; (4) sale or promotion of commercial products or services; (5) (see next page)

exhibition of products or artwork; or (6) performances for the primary purpose of entertaining an audience.

- (o) MINOR shall mean persons who are under the age of fourteen (14);
- (n) NON-PROFIT shall mean a Park User designated as a charitable nonprofit under one or more sections of the U.S. Internal Revenue Service (I.R.S.) Code, a governmental entity, or any person or group of persons not engaged in Commercial Use of the parks;
- (o) NON-RESTRICTED USE shall mean use of the Park where general public participation is a function of the intended Special Use, that does not involve commercial promotion or use, and where the Special Use does not prevent or curtail the general public from using any area of the Park.
- (p) PARK shall mean DISCOVERY GREEN park, a dedicated public park owned by the Houston Downtown Park Corporation and operated under contract by the Conservancy;
- (q) PARK AREA shall mean any part of the Park;
- (r) PARK FACILITY shall include, but not necessarily be limited to, any building, pavilion, lawn, picnic area, playground, amphitheatre, deck, walkway, trail, garden, lake, monument, artwork, fountain, or other improved Park Area;
- (s) PARK PATRON or VISITOR shall mean any person utilizing the Park or any portion thereof for the purpose of recreational and/or leisure pursuit;
- (t) PARK USER shall mean any person, group, organization or other entity seeking or engaged in a Special Use of a Park Area or Park Facility;
- (u) PERMIT shall mean written approval of the Director allowing Special Use of a Park Area or Park Facility;
- (v) PROGRAM shall mean a series of Activities or Events designed to provide recreational, cultural, educational, convention, leisure or other opportunities to the public;
- (w) PUBLIC GATHERING shall mean a Special Use involving the congregation of twenty (20) or more people within a Park Area or Park Facility during a specified time period that does not involve (1) the sale or distribution of food, drink or merchandise; (2) amplified music or entertainment; (3) admission fees or other charges to attendees; (4) sale or promotion of commercial products or services; (5) exhibition of products or artwork; or (6) performances for the primary purpose of entertaining an audience.
- (x) RESTRICTED USE shall mean any Special Use that could (1) curtail general public use of the Park, Park Areas and/or Park Facilities; (2) involve or contemplate Commercial promotion or use of the Park; and (3) contemplate or involve temporary displays of public art.
- (y) SENIOR or SENIOR CITIZEN shall mean any person sixty-five (65) years of age or older;

(z) SPECIAL USE shall mean the granting of additional, extra, special and/or exclusive privileges to use a Park Area and/or Park Facility for the purpose of conducting Public Gatherings, Restricted Uses (events, fund raising activities, meetings, other functions), Non-Restricted Uses, or Licensed Uses;

(aa) SPECIAL USE AREA shall mean any Park Area, Park Facility or part thereof for which Special Use privileges have been granted (in the case of Licensed Uses, also called the venue or venue license area);

(bb) USER FEE shall mean fees and rates charged for a Special Use of a Park Area or Park Facility, including use of any portion of the Park for public or private events (in the case of Licensed Uses, also called venue license fees); rental of fencing, chairs and other items; and fees for services provided by the Conservancy;

(cc) VEHICLE shall mean any equipment, craft or object designed or able to transport humans or materials with or without power except for bicycles and rollerblades;

(dd) YOUTH shall mean any person under the age of eighteen (18) years.

### 1.3 EQUAL OPPORTUNITY

Refers to the rules providing equal opportunity in employment and the provision of recreational opportunities.

#### 1.3.1 EQUAL EMPLOYMENT OPPORTUNITY

It shall be the policy of the Conservancy to prohibit discrimination in employment on the basis of race, color, creed, religion, sex, age, military status, handicap or national origin.

#### 1.3.2 EQUAL OPPORTUNITY IN SERVICE DELIVERY

It shall be the policy of the Conservancy to prohibit discrimination in the delivery of recreational services, and in the use of the Park, because of race, color, creed, religion, gender, age, military status, handicap or national origin.

#### 1.3.3 PROGRAM DIVERSITY

In the development, sponsorship and/or promotion of activities, programs or events, the Conservancy shall strive to provide a level of such activities, programs or events which illustrate and complement the ethnic and cultural diversity of the City of Houston.

1.3.4 NOTIFICATION OF EQUAL OPPORTUNITY In all publications of the Conservancy relating to employment with the Conservancy, one (1) of the following notices of non-discrimination shall be appropriately displayed: "It is the policy of the Discovery Green Conservancy to prohibit discrimination in employment or in the provision of services because of race, color, creed, religion, gender, age, handicap or national origin", or "An equal opportunity employer and service provider".

#### 1.3.5 RESPONSIBILITY FOR MONITORING, COMPLIANCE

The Director shall have the responsibility to monitor and ensure compliance with the equal opportunity provisions of these Park Rules.

#### 1.4 COMPLIANCE WITH PARK RULES

Refers to the overall compliance with the Park Rules, and the exemptions thereto.

##### 1.4.1 COMPLIANCE IS A CONDITION OF USE

Compliance with applicable provisions of these Park Rules, the Code of the City of Houston, and State and Federal law is a condition of the use of the Park. Subject thereto, any person may use the Park for any lawful purpose.

##### 1.4.2 ENFORCEMENT

The Director, all other employees of the Conservancy, and authorized agents of the Conservancy are hereby individually and severally authorized and directed on behalf of the Conservancy to notify any person who fails or refuses to comply with any applicable provision of law or of these Park Rules to depart from the Park. Any such person who upon such notice fails to depart from any such property or building shall be subject to removal from the Park and/or prosecution under any applicable laws or ordinances.

##### 1.4.2(a) FAILURE OF EMPLOYEES TO ENFORCE RULES OR LAWS

No employee of the Conservancy with responsibility for ensuring compliance with these Park Rules or other applicable provisions of law shall knowingly or willfully fail to exercise such responsibility. Any such employee shall be subject to disciplinary action up to and including indefinite suspension.

##### 1.4.3 EXEMPTIONS GENERALLY

The provisions of these Park Rules shall not be construed to apply to employees of the Conservancy, its agents or contractors, when in the lawful and appropriate discharge of their respective duties.

##### 1.4.3(a) CONSERVANCY PROGRAMS AND EVENTS

The permit and facility use requirements incorporated as provisions hereof shall not be required for programs, events or activities sponsored by the Conservancy.

##### 1.4.3(b) MISREPRESENTATION OF EMPLOYEES

No employee of the Conservancy shall knowingly or willfully misuse his/her position in the Conservancy to elicit, accomplish or obtain an exemption from these Park Rules for any personal gain or use of the parks. Any such employee shall be subject to disciplinary action up to and including indefinite suspension.

## **SECTION 2 – GENERAL RULES**

## **DISCOVERY GREEN PARK RULES**

Effective July 17, 2014

### **2.0 PARK USE – GENERAL PARK RULES**

Refers to the general rules and regulations governing the operation and use of the Park.

### **2.1 GENERAL USE RULES**

Refers to the general provisions regulating use of the Park, Park Area(s) and/or Park Facility(ies).

#### **2.1.1 PARK USE GENERALLY**

No person shall use any Park Area or Park Facility for any purpose other than for the purpose for which it was designed, dedicated or for which a Special Use permit has been granted.

#### **2.1.2 SPECIAL USE GENERALLY**

No person shall hold, conduct or cause to occur any Special Use of the Park, Park Area or Park Facility without first obtaining the written permission of the Director. See Section 3.0.

#### **2.1.3 SPECIAL PARK AREAS GENERALLY**

No person shall visit, use or otherwise be within or upon any Area designated for Special Use outside the posted hours of operation without the written permission of the Director, nor shall any person during such posted hours be within or upon such Park Area or Park Facility without first paying any applicable User Fees and/or securing any required permits related thereto.

#### **2.1.4 CONCESSIONS AND SALES GENERALLY**

No person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived within any Park Area or Park Facility without first obtaining the written permission of the Director.

#### **2.1.5 PLAYING OF MUSICAL DEVICES**

No person shall play any musical instrument, radio, tape player or other musical device within the Park other than for his/her own enjoyment, provided that such person shall not thereby encroach upon the use and enjoyment of the Park by others.

#### **2.1.6 GLASS CONTAINERS PROHIBITED-EXCEPTION**

No person shall bring into or upon the Park, or have in his/her possession while therein or thereupon any glass receptacle including but not limited to glass bottles, glass jars, drinking glasses or other glass containers of any kind. The prohibition of glass containers shall not apply to baby bottles, baby food jars, glass lined vacuum bottles and glass lined picnic beverage coolers.

#### **2.1.7 LITTER AND MISUSE OF RECYCLING CONTAINERS PROHIBITED**

No person shall throw or otherwise dispose of any trash or litter in the Park except in the containers provided therefore, and no person shall misuse a container designated for specific recycled materials by placing other types of materials in said container or by retrieving items already deposited in said container.

## **SECTION 2 – GENERAL RULES**

## **DISCOVERY GREEN PARK RULES**

Effective July 17, 2014

### **2.1.8 DUMPING PROHIBITED**

No person shall dump any debris, junk, garbage, waste, fill or other material onto the Park.

### **2.1.9 CAMPING PROHIBITED**

No person shall establish a Campsite upon or use any Area of the Park as a Campsite without the written permission of the Director.

#### **(a) MATERIALS STORAGE ON OR NEAR BENCHES**

No person shall use a bench or an area near a bench to store materials in a manner that interferes with usage of said bench by others.

### **2.1.10 BUILDING OF FIRES PROHIBITED**

No person shall build or cause to be built any fires within the Park, including in camp stoves or grills, without a permit from the Director. Such permit shall only be granted for Special Uses that include monitoring of such fires.

### **2.1.11 FIREWORKS PROHIBITED**

No person shall discharge any fireworks upon or within the Park. Bonafide fireworks displays proposed as part of an Event or Activity shall be exempt from this provision subject to the written permission and approval of the Director and the City Fire Marshall.

### **2.1.12 HOT AIR BALLOONS PROHIBITED**

No person shall tether any hot air balloon in the Park nor launch any hot air balloon from within the Park without first obtaining the written permission of the Director. The evaluation of a request to launch a hot air balloon(s), among other criteria, shall include the licensing and flight approval of the Federal Aviation Administration (F.A.A.).

### **2.1.13 FLYING OF KITES, RADIO CONTROLLED DEVICES RESTRICTED**

No person shall fly any kite, radio controlled airplane or similar device within the Park.

### **2.1.14 AMUSEMENT RIDES PROHIBITED**

No person shall erect or operate any mechanical amusement rides, midway rides or similar apparatus within the Park without first obtaining the written permission of the Director.

### **2.1.15 VEHICLES IN PARKS GENERALLY**

No person shall drive, propel, use, stop or park any Vehicle over or through the Park without a permit from the Director.

#### **(a) VEHICLES-EXCEPTION**

The provisions related to vehicles herein shall not apply to golf carts and other Vehicles operated by the Conservancy, its agents or concessionaires.

### **2.1.16 RIDING OR DRIVING ANIMALS**

No person shall ride or drive any horse or other animal over or through the Park unless approval has been received from the Director as part of a Program, Activity or Event.

### **2.1.17 MOLESTING, INJURING, ETC., ANIMALS, FOWL OR FISH – PROHIBITED**

No person shall tease, annoy, molest, catch or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal in the Park.

## **SECTION 2 – GENERAL RULES**

## **DISCOVERY GREEN PARK RULES**

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### **2.1.18 GAMBLING, GAMES OF CHANCE PROHIBITED**

No person shall gamble, or conduct or operate any bingo, lottery or other games of chance within the Park.

### **2.1.19 DISTRIBUTION OF ALCOHOLIC BEVERAGES RESTRICTED**

No person shall sell, give away or otherwise distribute any alcoholic beverage, as defined by the Texas Alcoholic Beverage Code, on or within the Park unless authorized by agreement, or through a permit issued by the Director. In considering any permit request pertaining to alcoholic beverages, the Director shall evaluate the purpose of the permit request, the location of the proposed activity, and the likelihood of any adverse impact of distributing such beverages. Approval of the Director to distribute or sell alcoholic beverages shall be conditional to any permit approvals, licensing requirements or restriction of the Texas Alcoholic Beverage Commission (T.A.B.C.).

### **2.1.20 ALCOHOLIC BEVERAGES PROHIBITED**

No person shall consume or display any alcoholic beverage except in designated areas at restaurants and in Special Use areas covered by a permit for alcohol consumption.

### **2.1.21 ERECTING STRUCTURES, BILL POSTING, ETC. PROHIBITED**

No person shall place, erect or attach any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in the Park, or attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure in the Park unless authorized by special permit issued by the Director.

### **2.1.22 HANDBILL DISTRIBUTION**

No person or bill distributor shall hand to or foist upon any Park Patron or Park User a handbill without the consent of such Park Patron or Park User, nor shall any bill distributor thereby encroach upon the use and enjoyment of the Park by others.

### **2.1.23 WALKING, STANDING OR SITTING ON BORDERS, FLOWER BEDS, ETC. PROHIBITED**

No person shall walk, stand or sit on or in any border, flower bed, monument, vase, fountain, railing or fence in the Park unless it is clearly designed or designated for such purpose.

### **2.1.24 REMOVAL OF PLANTS, TREE CUTTING PROHIBITED**

No person shall remove or cut any flower, shrub, vine, tree or other plant in the Park without the written permission of the Director.

#### **(a) PLANTING OF TREES, PLANTS RESTRICTED**

No person shall plant any flower, shrub, tree or other plant in the Park nor plant any street tree without the written permission of the Director.

### **2.1.25 POSSESSION OF WEAPONS PROHIBITED**

No person shall enter the park with a weapon of any kind, concealed or open carry.

### **2.1.26 FISHING PROHIBITED-EXCEPTION**

No person shall fish within the Park without a permit from the Director, which shall only be granted for Events for which water quality, health and safety considerations have been addressed; and no person shall introduce fish or wildlife into any Park Area.

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Effective July 17, 2014

### 2.1.27 PLAYING OF FIELD GAMES RESTRICTED

No person shall play any game of football, soccer, golf, cricket, lacrosse, polo, hockey, volleyball or other game of like character in the Park except on dates and times that specific Park Areas have been posted for such use. Baseball and softball are prohibited at all times.

### 2.1.28 CANOEING OR BOATING RESTRICTED

No person shall place any canoe, raft, boat or other vessel of any type or description upon the waters of any lake, pond or pool in the Park except with a permit from the Director. This provision shall not apply to model or toy boats that are not designed or intended for human transportation and that are used in the designated area of Kinder Lake.

### 2.1.29 DOGS OR OTHER ANIMALS IN PARK BUILDINGS, FACILITIES PROHIBITED

No person having control over a dog, or any other animal, shall bring such animal into any Park building interior. This provision shall not apply to any dog or animal assisting persons with disabilities, or to a dog or other animal brought into a Park building under a permit issued by the Director.

### 2.1.30 SUPERVISION OF MINORS

Minors (children under the age of fourteen (14)) shall be accompanied by at least one (1) of their parents who has reviewed, become familiar with, and is willing to comply and cause Minors accompanying them to comply with the Park Rules. Minors may participate in an organized Activity for up to two (2) hours without a parent if the Activity includes supervision by an Adult employed to oversee the Activity and a requirement that the Minor sign in to participate.

### 2.1.31 NO SKATEBOARDING

Use of skateboards is prohibited in any Area of the Park.

### 2.1.32 SWIMMING AND BATHING

The following Park Rules apply to water features:

- (a) No person or dog may enter Kinder Lake or the gardens immediately adjacent to Kinder Lake, and no dog may enter other water features.
- (b) Persons may enter the Mist Tree area and Gateway Fountain; however, such persons must be wearing street clothing, swimming suit or pool diapers.
- (c) Running, toys, balls, other games and blocking water jets are prohibited in or near water features.
- (d) Food, drinks and smoking are prohibited where posted in areas near water features.
- (e) No towels or other belongings may be draped or hung on trees.
- (f) Adults entering the Gateway Fountain or Mist Tree must be accompanied by a child aged fourteen (14) or under. The Conservancy reserves the right to restrict access to any water features in order to ensure public safety or the safety of the water feature.
- (g) Entry into the H. John and Diane Riley Fountain is prohibited.

### 2.1.33 CLIMBING

Other than on specifically-designed playground equipment designed for children under the age of twelve (12), climbing on Park Facilities, features, equipment or artwork is strictly prohibited unless specifically posted.

### 2.1.34 BIKE RIDING AND ROLLER-BLADING

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Bicycle riding, roller-blading and use of similar wheeled equipment is prohibited except on Bike Routes the Conservancy shall post in the Park. The Conservancy reserves the right to further restrict all forms of non-motorized vehicles (inclusive of bicycles and roller blades) at any time and in any location in order to maintain public safety and the safety of Park Areas and Park Facilities. No vehicles are ever allowed outside of paved areas, nor are speeds in excess of ten (10) miles per hour allowed. Pedicabs are prohibited.

**2.1.35 DOG RUNS**

In addition to any laws and ordinances governing pets, dog owners must remain with their dogs even while their dog is off its leash in a dog run. All Minors must be accompanied by an Adult while in the dog runs, and gates must be closed after entry or exiting the dog runs. Dog owners must utilize the dog runs as specified by signs posted at the dog runs.

**2.1.36 PLAYGROUND**

Playground equipment and features are age-restricted with no child over age twelve (12) allowed to play in the playground. No food, drinks or smoking are allowed in the playground area, and no coolers, chairs, bicycles, rollerblades or other wheeled vehicles, except strollers, are allowed on the rubberized surface. In order to maintain public safety and the safety of the playground equipment, the Conservancy reserves the right to restrict access to persons and strollers during periods of heavy use, and the Conservancy may post additional rules for specific playground equipment at that equipment.

**2.1.37 PARK RESTROOMS**

The restrooms are reserved for the activities for which they were designed, and Park Users and Park Visitors must conduct such activities without delay. The Conservancy reserves the right to close restrooms at any time that maintenance of safe conditions requires.

**2.1.38 PHOTOGRAPHY**

All commercial photography, videography and film is a Special Use that requires a permit, and any amateur photography, videography and film that causes access by the general public to any Park Area or Park Facility to be restricted or curtailed is a Special Use and requires a permit.

- (a) Any professional or amateur photographer must have the consent of the parent of a Minor aged fourteen (14) or under prior to photographing the Minor.

**2.1.39 SPEAKERS CORNER**

The Conservancy shall post a designated “speakers corner” in the Park for members of the general public desiring to exercise their rights to free speech by engaging in public speaking. A group of speakers exceeding twenty (20) people is considered a Public Gathering, which requires a permit as described in Section 3.0 of these Park Rules. In the event that a member of the general public attempts to engage in public speaking in any other area of the Park without first obtaining a Special Use Permit which permits such individual to do so, such individual shall be required to move to the speakers corner and shall be ejected from the Park if he or she refuses to move to the speakers corner. Further, the Conservancy reserves the right to restrict an individual's use of the speakers corner and/or eject them from the Park to the extent he or she (1) uses fighting words, which are words that by their very utterance tend to incite an immediate breach of the peace; (2) threatens to physically harm others; (3) engages in obscene speech or conduct; or (4) utilizes audio amplification devices.

**2.1.40 RECKLESS BEHAVIOR**

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Reckless behavior that endangers or has the potential to endanger the participants in such behavior or others using the Park is prohibited.

### **2.1.41 MAINTENANCE OF SAFE CONDITIONS AND BEHAVIOR**

In order to maintain safe conditions and behavior in Park Areas and Facilities, all Park Users and Park Visitors shall comply with directions from Conservancy staff and security contractors.

### **2.1.42 PUBLIC LEWDNESS AND INDECENT EXPOSURE**

Public lewdness and indecent exposure are prohibited in any area of the Park and in Park Facilities, and viewing material deemed to be obscene, child pornography, or harmful to minors, as those terms are defined in the Children's Internet Protection Act and the Texas Penal Code.

### **2.1.43 OBSCENE, ABUSIVE, INSULTING OR THREATENING LANGUAGE**

Fighting words, which are words that by their very utterance tend to incite an immediate breach of the peace, threats to physically harm others, and engagement in obscene speech or conduct are prohibited.

### **2.1.44 STARING, STALKING OR HARRASSMENT**

Staring, stalking, harassment, or other behavior that reasonably can be expected to disturb others is prohibited.

### **2.1.45 SMOKING**

Smoking is prohibited at Discovery Green.

### **2.1.46 SAFETY AND SECURITY DEVICES**

Tampering with security or safety devices, including emergency call boxes and emergency telephones, is prohibited.

## **2.2 PARK OPERATING HOURS**

Refers to the rules regulating Park, Park Area and Park Facility operating hours.

### **2.2.1 OPERATING HOURS GENERALLY**

The Director shall establish operating hours for the Park, Park Areas and Park Facilities commensurate with a combination of patron usage and demand, safety requirements, design and function, deed restrictions, and budgetary, staffing and programming requirements. For Fiscal Year 2008 and until adjusted in the future, the operating hours shall be 6:00 AM to 11:00 PM except that operating hours for: (1) The Grove and The Lake House shall be established by the licensed operator of those restaurants; (2) the Bill and Sara Morgan Reading Room shall be established by its licensed operator; and (3) water features shall be established on a daily basis by the Conservancy.

### **2.2.2 USE OUTSIDE OPERATING HOURS PROHIBITED**

No person shall visit, use or otherwise occupy, or be within or upon the Park, Park Area(s) and/or Park Facility(ies) outside their respective operating hours without the written permission of the Director.

### **2.2.3 TEMPORARY CLOSURE, CHANGE IN OPERATING HOURS**

The Director may from time to time order the temporary closure or change in operating hours of the Park, Park Areas and/or Park Facilities. Such temporary closure or change in operating hours may be required as the result of renovation and construction projects,

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a safety, health or weather emergency, other operations situation, or special event, and shall not be considered a permanent change in operating hours unless such change is filed by rule.

**2.3 PARK RULES FOR PARK FACILITIES**

All Park Rules apply to the following Park Facilities; in addition; the specific Park Rules described below apply to these Park Facilities.

**2.3.1 THE GROVE AND THE LAKE HOUSE**

The following Park Rules are in force at interior and exterior areas of The Grove and the Lake House.

- (a) Visitors must be patrons desiring to purchase and consume food or beverages for sale at the facility.
- (b) Only food and beverages for sale at the facility are allowed to be consumed at interior and exterior areas of the facility.
- (c) Bringing in any items that could potentially be used as weapons is prohibited, including but not limited to sporting equipment such as baseball bats, skateboards, etc.
- (d) Bringing in bedrolls, blankets, frame backpacks, suitcases, or bags measuring more than two feet in length or height is prohibited. A maximum of two bags of any type will be allowed.
- (e) Spreading out the contents of bags is prohibited. Unattended bags represent a safety and security risk.
- (f) No smoking in any interior or exterior area of the facilities.
- (g) Shoes and shirts must be worn at all times; no wet clothing.
- (h) Music not provided by the facility is prohibited.
- (i) Loud speaking of any kind is prohibited.
- (j) Abuse of furniture and climbing or playing on rails are prohibited.
- (k) Any verbal or written solicitation for money or a donation except by employees of the facility is prohibited.
- (l) Distributing or posting printed materials/literature is prohibited.
- (m) Offensive bodily hygiene is prohibited.
- (n) Animals are prohibited except animals assisting persons with disabilities.
- (o) Restaurant restrooms are for use by restaurant patrons only.
- (p) Exiting the Lake House without discarding refuse and uneaten food is prohibited.
- (q) Exiting the facility with alcohol; however, patrons may exit the Lake House directly to the amphitheater slope with alcohol if they are attending a performance.

**2.3.2 BILL AND SARA MORGAN READING ROOM / HPL EXPRESS**

The following prohibitions are in force at Bill and Sara Morgan Reading Room / HPL Express.

- (a) Bringing in bedrolls, blankets, frame backpacks, suitcases, or bags measuring more than two feet in length or height. A maximum of two bags of any type will be allowed.
- (b) Bringing in any items that could potentially be used as weapons, including but not limited to sporting equipment such as baseball bats, skateboards, etc.

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- (c) Distributing or posting printed materials/literature not in accordance with HPL Express regulations.
- (d) Viewing material deemed to be obscene, child pornography, or harmful to minors, as those terms are defined in the Children's Internet Protection Act and the Texas Penal Code.
- (e) Spreading out the contents of bags. Unattended bags represent a safety and security risk.
- (f) Producing any loud, unreasonable or disturbing noises, including those from electronic or amplified devices.
- (g) Smoking or other tobacco use.
- (h) Possessing or being under the influence of alcohol or illegal drugs.
- (i) Eating, drinking or bringing in packaged or unpackaged food.
- (j) Not wearing shoes or a shirt.
- (k) Offensive bodily hygiene.
- (l) Sleeping or putting your head on a table (except for infants), and putting your feet or legs on furniture.
- (m) Abuse or vandalism of library facilities, materials or equipment.
- (n) Taking library materials into restrooms.
- (o) All library materials must be properly checked out. If library staff/security has reasonable individualized suspicion that a library patron is attempting to exit the library with library materials that have not been checked out, the patron may be questioned and may be asked to open any item of sufficient size to contain library materials for inspection.
- (p) Parents/guardians/caregivers are responsible for monitoring the activities and for regulating the behavior of their children while in the library. Children under the age of seven may not be left unattended at any time. Children between the ages of seven and fourteen should not be left unattended for extended periods of time or at closing time.

**2.3.3 POWELL OUTDOOR READING ROOM**

The following prohibitions are in force at the Powell Foundation Outdoor Reading Room.

- (a) Bringing in bedrolls, blankets, frame backpacks, suitcases, or bags measuring more than two feet in length or height. A maximum of two bags of any type will be allowed.
- (b) Bringing in any items that could potentially be used as weapons, including but not limited to sporting equipment such as baseball bats, skateboards, etc.
- (c) Distributing or posting printed materials/literature not in accordance with Park rules.
- (d) Viewing material deemed to be obscene, child pornography, or harmful to minors, as those terms are defined in the Children's Internet Protection Act and the Texas Penal Code.
- (e) Spreading out the contents of bags on library property. Unattended bags represent a safety and security risk and may not be left on library property.
- (f) Producing any loud, unreasonable or disturbing noises, including those from electronic or amplified devices.
- (g) Smoking or other tobacco use.
- (h) Eating, drinking or bringing in packaged or unpackaged food.
- (i) Not wearing shoes or a shirt.
- (j) Offensive bodily hygiene.

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- (k) Sleeping or putting your head on a table (except for infants), and putting your feet or legs on furniture.
- (l) Abuse or vandalism of library facilities, materials or equipment.
- (m) Taking library materials into restrooms.
- (n) Adults being within the Powell Outdoor Reading Room while not accompanied by their child (aged seventeen (17) or younger) between the hours of 3:00 PM and 5:00 PM with the exception of adults passing through the Powell Outdoor Reading Room for the purpose of entering and exiting the HPL Express.
- (o) Using the seating and furniture in the Powell Foundation Reading Room for any purpose other than reading, use of computers, table games (chess, checkers, dominos, etc.) and educational workshops unless otherwise posted.

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### **3.0 SPECIAL USES AND PERMITS**

Refers to the permit process required to conduct Public Gatherings, Restricted Uses, Licensed Uses, Non-Restricted Uses of the Park, Park Area(s) and/or Park Facility(ies), and other Special Uses.

#### **3.1 PERMITS GENERALLY**

Refers to the general rules and regulations governing Special Use permits.

##### **3.1.1 SPECIAL USE PERMIT DEFINED**

Special Use permits shall be defined as the written authorization of the Director granting additional, extra, special and/or exclusive privileges to use the Park, Park Areas, or Park Facilities for an intermittent or temporary basis.

##### **3.1.2 SPECIAL USE PERMIT REQUIRED**

A Special Use permit shall be required prior to any use of the Park, Park Area or a Park Facility for the purpose of conducting special events, fund raising activities, Public Gatherings, commercial promotions and uses, programs, meetings, or any other function which impacts open and free recreational use of the Park by the general public and/or requires the rights for temporary exclusive use.

###### **(a) SPECIAL USE PERMIT BY DEFINITION**

Applications for a Special Use of Park Areas or Park Facilities, and for temporary concession rights, shall be evaluated and construed as Special Use permit requests. Upon approval or issuance thereof, such use shall be considered as authorized by Special Use permit.

###### **(b) PERMIT NOT REQUIRED, EXCEPTION**

Special Use permits shall not be required for Events, Activities, Programs or functions sponsored or co-sponsored by the Conservancy or by its concessionaires where the conduct of such functions or activities are permitted under any lawful contract or agreement.

##### **3.1.3 APPLICATION REQUIRED, DEFINED**

Persons, organizations or other entities requesting Special Use permits which pertain to licensed uses or which involve the congregation of twenty (20) or more people within a Park Area or Park Facility shall be required to complete a permit application.

##### **3.1.4 NATURE OF PERMITS**

The permit process shall evaluate requests for Special Use of Park, Park Areas, and/or Park Facilities with consideration for the provision or loss of basic recreational opportunities to the general public.

###### **(a) NON-RESTRICTED USE PERMITS**

Non-Restricted Use permits shall include those Special Use permits issued for Events or other uses of the park where general public participation is a function of the intended Special Use, that do not involve commercial promotion or use, and where the Special Use does not prevent or curtail the general public from using any Area of the Park.

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**(b) RESTRICTED USE PERMITS**

Restricted Use permits shall include those Special Use permits issued for a Restricted Use.

**(c) LICENSED USE PERMIT**

An executed Venue License Agreement and payment of required Fees will constitute the permit for a Licensed Use as described in Section 3.2.

**(d) PUBLIC GATHERINGS**

Any permits required for a Public Gathering are described in Section 3.3.

**3.1.5 EVALUATION OF PERMIT REQUESTS FOR SPECIAL USES GENERALLY**

Except for Public Gatherings (see Section 3.3), requests for Special Use permits, and any additional, special or extra privileges requested therein, shall be evaluated based on the following criteria:

- (a) The requested Park Area(s) and/or Park Facility(ies) or part thereof has been previously scheduled or reserved, or other Park Areas and/or Park Facilities have been previously scheduled for events or activities that could be impaired or harmed by the requested Special Use;
- (b) The compatibility of the requested Special Use with the design, function, amenities and purpose of the Park, Park Area(s) and/or Park Facility(ies) or part thereof;
- (c) The compatibility and relationship of the requested Special Use with the surrounding neighborhood or community;
- (d) The degree of impact of the requested Special Use upon Park, Park Area(s), Park Facility(ies) and appurtenances;
- (e) The extent to which the requested Special Use will interrupt the safe and orderly movement of traffic, or police, fire, ambulance or other emergency equipment on streets adjacent to the Park;
- (f) The degree to which the requested Special Use would be disruptive or promote disorderly conduct;
- (g) The degree to which the requested Special Use can be reasonably conducted without public safety or health hazard;
- (h) The requested Special Use does not violate any rules and regulations of the Conservancy, the Code of the City of Houston, or state or federal laws;
- (i) The past performance or non-performance of the requesting individual, company, organization or other applicant;
- (j) The ability of the requesting individual, company, organization or other applicant to meet any stipulations, instructions or orders pertaining to or required for the safe and orderly conduct of the function or requested Special Use;

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- (k) The financial and managerial ability to conduct the requested Special Use including the payment of any required User Fees and the provision of any required support services;
- (l) The ability of the Conservancy to provide services, staff or equipment necessary to support the request;
- (m) Overall, whether the requested Special Use is a Restricted Use, Non-Restricted Use or Licensed Use, and how such requested Special Use may have an adverse effect on the use of the Park, Park Area(s) and/or Park Facility(ies) by the public.
- (n) The Licensed Use of Park Areas and Park Facilities may be refused or scheduled for alternate dates and times, or the Licensed Use of alternate sites and/or additional stipulations may be required. The Conservancy may decline a venue license application because the designated area for this type of activity is already reserved even though other parts of the Park are not reserved.

**3.1.6 SPECIAL USE PERMIT A PRIVILEGE**

A Special Use permit granted by the Director is for a temporary and interruptible use of a Park, Park Area(s), Park Facility(ies) and/or part thereof. Such permit is a privilege granted by the Conservancy and not a right, and does not and shall not be construed to convey any legal or equitable interest whatsoever to the Park or part thereof.

**3.1.7 PERMIT NON-TRANSFERABLE**

A Special Use permit is issued in the applicant's name as an individual or a representative or agent of a company, organization or other entity for a specific purpose, at the Park, Park Area(s), Park Facility(ies) or part thereof, and for or during a specific date(s) and times(s). Such permit cannot be assigned, sold, lent, leased or otherwise transferred even though the name of the applicant or name of the company, organization or other entity represented by the applicant may change.

**3.1.8 ERECTION/CONSTRUCTION OF PUBLIC WORKS OF ART**

No person shall erect or construct any temporary or permanent public works of art in the Park without first obtaining a Special Use permit authorized by the Director.

**3.1.9 YOUTH FUNCTIONS**

When a Special Use is for a Youth function, a minimum of one (1) adult chaperone for each ten (10) guests or fraction shall be required. Such chaperones must be present prior to opening the Park, Park Area(s) and/or Park Facility(ies) for the Event or Activity, and shall remain on the premises throughout the Licensed Usage period.

**3.1.10 PROVISION OF PEACE OFFICERS AND EMERGENCY PERSONNEL**

Any person, organization, or other entity using the Park, Park Areas, and/or Park Facilities under a Special Use Permit shall be responsible for the provision of peace officers and emergency medical personnel certified by the State of Texas and experienced in crowd control as follows:

- (a) The following schedule shall be used to determine the number of certified peace officers based on the estimated attendance:

0 – 100 Attendees      Peace officers optional

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101- 500 Attendees	At least one officer
501 – 1500 Attendees	At least two officers
1501+ Attendees	At least one officer per 500 attendees

Required numbers above are doubled if alcohol is served at the Event except for those events occurring solely at the Anheuser-Busch Stage and Fondren Performance Space where the schedule above applies.  
 Additional Officers may be required for Events with attendees who require special attention, Officer experience or security.

- (b) The following schedule shall be used to determine the number of Traffic Officers:

0 – 1000 Guests:	One Traffic Officer required for valet service for 100+ cars.
1000 – 2000 Guests:	Second Traffic Officer is required for valet service for 100+ cars.
2000+	Guests: One Traffic Officer per 1000 guests; plus a Traffic Officer for valet service for 100+ cars.
10+ Concessionaires:	One Traffic Officer per load-in point involving 10+ concessionaires (more if multiple events).

- (c) The following schedule shall be used to determine the number of emergency medical personnel based on the estimated attendance:

0 - 1000 Attendees	Optional, but may be required if alcohol is being served to the general public
1000+ Attendees	One EMS personnel per 1000 attendees

**3.1.11 FENCING AND BOND REQUIREMENTS**

Any person or organization using the Park or Park Facilities under a Special Use Permit may be required to do the following:

(a) Payment of a User Fee to the Conservancy for fencing to be installed during the Special Use in the event that the Conservancy determines that such a fence is necessary to protect Park Areas not designed and maintained to accommodate such Special Use;

(b) Provision of a bond payable to the Conservancy in an amount determined by the Conservancy in the event that the Conservancy determines that the Special Use may cause damage to Park lawns, gardens, pavements, Park Facilities or other appurtenances. The amount of the bond shall be based on the estimated attendance and type of Special Use, and the Conservancy shall have the right to adjust the amount of the bond if new information about the type of Special Use or the estimated attendance is revealed after an application is submitted.

**3.2 LICENSED USES**

Refers to the rules and guidelines governing Special Uses that are based on the Licensed Use of the Park, Park Areas and/or Park Facilities.

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**3.2.1 LICENSED USE GENERALLY**

Licensed Use shall be provided as a means of expanding recreational, leisure, tourism, convention meeting, or other use opportunities of Park, Park Area(s) and/or Park Facility(ies) by permitting the Special Use thereof. Subject to the Park Rules and the payment of any required User Fees, such Licensed Use may be permitted for any lawful purpose.

**3.2.2 LICENSED USE AGREEMENT**

Even if a reservation has occurred and related User Fees paid, no Licensed Use may occur in the Park without an executed agreement (“Venue License Agreement”), which describes the location, schedule, character, Licensee and its subcontractors, Fees and the terms and conditions imposed on Licensee.

**3.2.3 CONFORMITY TO APPROPRIATE USE**

Licensed Uses shall conform to the design, function and designated use of Park, Park Area(s), Park Facility(ies) or part thereof. Such conformity to appropriate use shall be evaluated in determining both approved Licensed Use and any Fees required prior to such Licensed Use.

**3.2.4 VENUE LICENSE APPLICATION REQUIRED**

Persons, organizations or other entities requesting Licensed Use of the Park, Park Area(s) and/or Park Facility(ies) shall complete a Venue License Application and provide any information required thereon as may be prescribed by the Director. No Park Area and/or Park Facility reservation shall be considered effective until all appropriate Fees have been paid, the Venue License Agreement has been executed, and all required supporting documentation has been completed.

**3.2.5 LICENSE PERIOD DEFINED**

The Licensed Use period for the Park, Park Area(s) and/or Park Facility(ies) shall be inclusive of the total time required for set-up and completion of the licensed function or activity. A Licensed Use which exceeds the time period described in the Venue License Agreement shall be subject to any additional use charges provided therefor.

**3.2.6 VENUE LICENSE AGREEMENT REQUIRED**

On a date prior to the Licensed Use that is established by the Director, the licensee must execute a Venue License Agreement and provide all required supporting documents, User Fees, insurance policies, and any necessary additional approvals and/or permits. If the Venue License Agreement is not executed by the required date, the Director may cancel the reservation for the Licensed Use and retain any User Fees paid by the licensee.

**3.2.7 RESERVATIONS, USAGE PRIORITY**

Reservations shall be on a first come, first served basis, and no reservation shall be considered effective until any required Fees required for such reservation are paid and other requirements of the Venue Reservation Application are fulfilled.

**3.2.8 CANCELLATION OF LICENSED USE BY CONSERVANCY**

The Conservancy reserves the right to cancel and/or reschedule any Park, Park Area(s) and/or Park Facility(ies) Licensed Use for just cause upon due notice including any safety, health or weather emergency, or any inability of the Conservancy to fulfill the Venue License Agreement. Such cancellation by the Conservancy shall entitle the licensee to any rescheduling or refund privileges as outlined in these Park Rules.

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### 3.2.9 NOT USED

#### 3.2.10 LICENSED USE FOR YOUTH FUNCTIONS

When a Licensed Use is for a Youth function, a minimum of one (1) adult chaperone for each ten (10) guests or fraction shall be required. Such chaperones must be present prior to opening the Park, Park Area(s) and/or Park Facility(ies) for the Event or Activity, and shall remain on the premises throughout the Licensed Use period.

#### 3.2.11 DESIGNATED LOCATIONS FOR LICENSED USES

Because of the dense development of Discovery Green and its intense use by the general public, specific Park Areas and Park Facilities have been designated for Licensed Uses. The Conservancy may decline a Venue License application because the designated area for this type of activity is already reserved even though other parts of the Park are not reserved. See Exhibit 3.1 for designated Licensed Use areas.

### 3.3 PUBLIC GATHERINGS

Refers to the rules and guidelines governing Special Uses that are Public Gatherings within the Park, Park Areas and/or Park Facilities.

#### 3.3.1 PUBLIC GATHERINGS GENERALLY

Public Gatherings shall be accommodated within the Park in certain Park Area(s) that are improved and maintained to accommodate such activity as a Special Use.

#### 3.3.2 LOCATION OF PARK AREAS FOR PUBLIC GATHERINGS

The Director shall maintain a map of Park Areas that are improved and maintained to accommodate Public Gatherings, and this map shall be filed and maintained for public inspection in the offices of the Director. A copy of this map and related rules and regulations shall be made available to any person at no cost upon written request filed at Conservancy headquarters. See Exhibit 3.2 for areas available for Public Gatherings.

#### 3.3.3 PRIORITY OF USAGE

Use of any Park Area shall be on a first-come, first-served basis. The Director shall cause all completed applications to be immediately time-stamped upon their actual receipt by the Conservancy. The first in time shall be the first in right, provided that if two (2) applications are received simultaneously, then the precedence shall be determined by an impartial means of chance.

#### 3.3.4 NO PERMIT REQUIRED FOR PUBLIC GATHERINGS

The Conservancy does not require a permit for Public Gatherings as defined in Section I of these Park Rules, and Public Gatherings may be held in the Park in areas shown in Exhibit 3.2. If permits are required in the future, this requirement shall be posted in a revision to these Park Rules.

END OF SECTION

**4.0 FEE ADMINISTRATION**

Refers to the general Park Rules pertaining to Special Use fees, booking fees, deposits, reservations and refunds (User Fees).

**4.1 PARK USER FEES – GENERAL**

Refers to the administration of User Fees for the use of the Park, Park Areas, Park Facilities, and equipment, and participation in Conservancy-sponsored programs.

**4.1.1 USER FEES AND CHARGES GENERALLY**

No person shall participate or conduct any Special Use, secure any permit, or use any Park Area or Park Facility without first paying the applicable User Fees related thereto as may be established by the Conservancy.

**4.1.2 USE OF FEE SCHEDULES**

The User Fees established by the Conservancy for the use of Park Areas, Park Facilities, Programs and services shall be assembled into a fee schedule representing the category or type of fee authorized and any related guidelines, and shall denote the charge for such specified areas, uses or services. The fee schedule shall not specifically describe security deposits, which shall vary based on the specific location, duration, character of the Special Use along with any previous experience with the Special Use in question. The Conservancy may change User Fees from time to time, and in such cases, the Conservancy shall modify the fee schedule to reflect such change. See Exhibit 4.1.

**4.1.3 FEE SCHEDULE – EXCEPTION**

The fee schedule shall not be construed to apply to charges by concessionaires under contract, license or permit, or to Conservancy-sponsored or co-sponsored Programs and Events.

**4.1.4 DISCOUNTING OF FEES AND CHARGES**

The Director may from time to time authorize discounts of User Fees, special rates or other incentives to promote and encourage the use of the Park, Programs, and/or provide a tool for the marketing of such programs. The Director is authorized to provide for a fifty percent (50%) discount to charitable Non-Profit organizations with operations in the Houston area that are organizing a Special Use that is open to the public without an admission charge to the Special Use Area or participation fee. This discount shall not apply to rental items and services. Discounts may also be granted to Programs, Events and Activities that restrict the public's access to the Park Facility where the Special Use will occur for a period of time less than described in Exhibit 4.1.

**4.1.5 FEES ARE ADDITIVE**

The payment of any applicable User Fees listed in the fee schedule shall not serve to diminish or substitute for any User Fees applicable in a corresponding fee schedule. Unless otherwise specified herein, any and all applicable User Fees shall be additive in determining the total of such fees and charges due.

**4.1.7 PUBLIC INSPECTION OF FEE SCHEDULES REQUIRED**

A copy of the fee schedule shall be maintained for public inspection in the offices of the Director. A copy of such fee schedule shall be published by the Director and made available to any person upon request.

**4.1.8 FEES CHARGED BY PARK USERS**

In the event a participation or admission fee to the general public is charged by any person for any Special Use, then there shall be no special fee paid to the Conservancy; however, the discount offered to certain organizations shall be modified as described in subparagraphs 4.1.18(b) and 4.1.8(c).

**(a) APPROVAL OF THE DIRECTOR REQUIRED**

No person shall charge any participation or admission fee for any activity using a Park Area or Park Facility unless written permission therefore has been issued by the Director. This provision shall not apply to concessionaires operating under contract with the Conservancy or to fees charged for Conservancy-sponsored programs, activities or events.

**(b) DISCOUNT FOR SPECIAL USES THAT CHARGE AN ADMISSION FEE**

The Director is authorized to provide for a twenty-five percent (25%) discount to charitable Non-Profit organizations with operations in the Houston area that are organizing a Special Use that is open to the public with an admission charge to the Special Use Area (venue license area). This discount shall not apply to calculation of the security deposit, rental items and services.

**(c) DISCOUNT FOR SPECIAL USES THAT CHARGE A PARTICIPATION FEE**

The Director is authorized to provide for a forty percent (40%) discount to charitable Non-Profit organizations with operations in the Houston area that are organizing a Special Use that is open to the public with A participation fee and no admission charge to the Special Use Area. This discount shall not apply to calculation of the security deposit, rental items and services. .

**4.1.9 VOLUNTARY CONTRIBUTIONS**

Voluntary contributions may be taken-up in connection with a permitted Special Use, whether conducted or sponsored by the Conservancy or not, without accounting or payment therefore to the Conservancy. The acceptance of any such contributions must have prior approval of the Director, be wholly voluntary, and shall not be imposed, solicited or requested as a condition of admission to or participation in the facility used, function conducted, or for the provision of any goods or services.

**4.1.10 METHOD OF PAYING FEES AND CHARGES**

Fees and charges due to the Conservancy may be paid by cashiers check, money order, credit card or cash.

**4.1.11 PERMIT REQUESTS, APPLICATIONS TO BE SIGNED BY AN ADULT**

All applications and/or Special Use permit requests shall be signed and/or executed by an adult. Youth registrations for programs shall require the approval signature of the Youth's parent or guardian.

*continued*

## 4.2 REFUNDS

### 4.2.1 REFUND GENERALLY

The Conservancy shall consider the refund of User Fees paid for the use of Park Facilities and equipment subject only to the rules and guidelines prescribed herein.

### 4.2.2 REFUND REQUESTS TO BE IN WRITING, PROCESSING THEREOF

All requests for refunds shall be in writing, state the reason the refund is being requested, be dated, and include the address, name and signature of the requesting party. Refund requests may be made in person at the offices of the Conservancy (1500 McKinney, Houston, Texas 77010) during normal operating hours, or by mail to the same address. Refunds will be submitted for processing on the form prescribed by the Director, and may require a normal processing period of three (3) to six (6) weeks. No refunds shall be given in cash.

### 4.2.3 REFUND OF PUBLIC GATHERING, RESTRICTED AND NON-RESTRICTED USE PERMIT FEES

A full refund of User Fees shall be made provided that a cancellation request is received at least seven (7) business days prior to the starting date of the Public Gathering, Restricted or Non-Restricted Use. Cancellation requests made less than seven (7) business days prior to such starting date shall be subject to a ten percent (10%) service charge. No refunds shall be authorized for cancellations requested on or after the starting date, or for any inability of a permittee to arrive at or otherwise utilize the parks and/or facilities on such starting date.

#### (a) INCLEMENT WEATHER, RAIN DATE

In cases where a Special Use may be directly impacted by rain or similar weather conditions, a rain date may be scheduled at the time the Permit is requested. The purpose of the rain date is to facilitate the postponement and automatic rescheduling of the permitted Special Use without penalty, provided the Conservancy is notified of such intent prior to the starting date and no usage occurred after such notification. The calling-off or postponement of a Special Use shall be the responsibility of the permittee, and it shall be presumed that the Park Facilities were utilized should notification not be received. Any cancellation of a Special Use after a call-off for rain shall be subject to normal refund policies.

### 4.2.4 REFUND OF LICENSED USE FEES

A refund of the Licensed Use Fees less a twenty percent (20%) booking fee shall be made provided that a cancellation request is received at least sixty (60) business days prior to the starting date of the Licensed Use. Permittees who cancel less than sixty (60) business days prior to the date of a Licensed Use shall not be due any refund except for any User Fees paid for rental equipment, services and the Security Deposit. No refunds shall be authorized for cancellations requested on or after the starting date, or for any inability of a permittee to arrive at or otherwise utilize the Park Facility(ies) on such starting date.

#### (a) INCLEMENT WEATHER, RAIN DATE

In the case of rain or other inclement weather, the licensee/permittee is responsible for arrangements necessary to avoid cancellation of the Event. A back-up plan to include additional tenting, valet parking or rain location is the responsibility of the licensee. In order to protect turf and other Discovery Green facilities, it will be at the sole discretion of the Conservancy whether the Licensed Use will be cancelled due to weather

conditions. If the Conservancy prevents the occurrence of the Event because of inclement weather conditions, the licensee may at that time select an alternate date if a date is available on the Conservancy's programming calendar. The Conservancy will not be held liable for cancellation of a Licensed Use due to rain, act of God, terrorism, other natural disaster or any other cause not within the control of the Conservancy and will not refund the Licensed Use Fee; however, other charges for costs not incurred, including the security deposit and other Fees and charges that were to be paid to the Conservancy will not be charged and/or will be returned.

**4.2.5 SPECIAL USE, TEMPORARY CONCESSION FEES NON-REFUNDABLE**

Temporary concession license, permit and/or filing fees shall be considered a cost of doing business and are non-refundable.

**4.2.6 REFUND, RESCHEDULING AT CONSERVANCY'S FAULT**

Should a Park Facility be unusable at the start of a license or permit period due to a lock-out, cancellation or other fault of the Conservancy, then a full refund shall be made or the use period rescheduled at the users request.

END OF SECTION